

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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TIMOTHY MORGAN, Individually and on behalf of all	)	
others similarly situated,	)	Civil Action 1:03 cv 12529 JLT
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
NETWORK ENGINES, INC., JOHN CURTIS,	)	
DOUGLAS G. BRYANT and LAWRENCE A.	)	
GENOVESI,	)	
	)	
Defendants.	)	

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EDWIN POWELL MILLER, Individually and On behalf	)	
of all others similarly situated,	)	Civil Action 1:04 cv 10022 JLT
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
NETWORK ENGINES, INC., JOHN CURTIS,	)	
DOUGLAS G. BRYANT and LAWRENCE A.	)	
GENOVESI,	)	
	)	
Defendants.	)	

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Additional Captions to Follow

**DECLARATION OF THEODORE M. HESS-MAHAN IN SUPPORT OF THE  
MOTION OF THE GUERRERA GROUP FOR CONSOLIDATION,  
APPOINTMENT AS LEAD PLAINTIFF, AND FOR APPROVAL  
OF SELECTION OF LEAD AND LIAISON COUNSEL**

DAVID DUBROW, Individually and on behalf of all  
others Similarly Situated,

Plaintiff,

V.

NETWORK ENGINES, INC., JOHN CURTIS,  
DOUGLAS G. BRYANT and LAWRENCE A.  
GENOVESI,

Defendants.

KEVIN DENHA, Individually and On behalf of all  
others similarly situated,

Plaintiff,

V.

NETWORK ENGINES, INC., JOHN CURTIS,  
DOUGLAS G. BRYANT and LAWRENCE A.  
GENOVESI,

Defendants.

WING KAM YU, on behalf of himself and all others  
similarly situated,

Plaintiff,

V.

NETWORK ENGINES, JOHN CURTIS and  
DOUGLAS G. BRYANT,

Defendants.

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HERBERT A. REITZEL, on behalf of himself and others  
similarly situated,

Plaintiff,

v.

NETWORK ENGINES, INC., JOHN CURTIS,  
DOUGLAS G. BRYANT and LAWRENCE A.  
GENOVESI,

Defendants.

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)  
) Civil Action 1:04 cv 10288 JLT  
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Theodore M. Hess-Mahan, declares, under penalty of perjury:

1. I am an associate with Shapiro, Haber & Urmy (“Shapiro Haber”), one of plaintiff’s counsel in the action entitled Timothy Morgan v. Network Engines, Inc., et al., 1:03cv12529 (JLT) (the “Morgan Action”). I submit this Declaration in support of the motion of Sergio and Ricardo Guerrero, Donald Drew and Thomas W. Jackson (the “Guerrera Group”) for consolidation, appointment as Lead Plaintiffs and for approval of selection of Lead and Liaison Counsel.

2. Attached hereto as Exhibit A is a true and accurate copy of the notice published by plaintiff in the Morgan Action on PR Newswire, a national, business-oriented newswire service, on December 16, 2003.

3. Attached hereto as Exhibit B is a true and accurate copy of a loss chart presenting the transactions in the subject securities and summarizing the estimated collective losses of the Guerrero Group at \$152,899.28, in connection with its purchases of Network Engines shares.

4. Attached hereto as Exhibit C are the certifications of the members of the Guerrero Group.

5. Attached hereto as Exhibit D is a true copy of the firm resume of Cauley Geller Bowman & Rudman, LLP.

6. Attached hereto as Exhibit E is a true copy of the firm resume of Shapiro Haber.  
February 17, 2004

/s/Theodore M. Hess-Mahan  
Theodore M. Hess-Mahan